Office of Acquisition Management

EPA United States Environmental Protection Agency

Instructions for Preparing the Justification for Interagency Assisted Acquisition

General Instructions

- This justification is required for an interagency assisted acquisition (IAA) when there is a plan to use another agency's contract and/or contracting services to obtain supplies or services from a contractor.
- This justification will ensure that acquisition planning, market research, and analyses are completed that demonstrate sound business decisions have been made before entering into an IAA.
- The project officer preparing this justification is encouraged to work with a contracting officer in the applicable Office of Acquisition Management (OAM) Service Center or Regional Contracting Office to complete this documentation. To find the OAM service center that supports your program office, click on the "Who Buys for Whom Chart" on the internet at: [HYPERLINK "http://www.epa.gov/oam/whobuys.pdf"]. You may also contact EPA's contracting offices as follows:

Procurement Contacts	Phone*
Cincinnati Procurement Operations Division	(513) 487-2026
Headquarters Procurement Operations Division	(202) 564- 0798
Superfund/RCRA Procurement Operations Division	(202) 564-4325
Research Triangle Park Procurement Operations Division	(919) 541-3046
Region 1	(617) 918-1055
Region 2	(212) 637-3368
Region 3	(215)814-2669
Region 4	(404) 562-8370
Region 5	(312)353-8989 (312)886-2400
Region 6	(214) 665-6516
Region 7	(913) 551-7739
Region 8	(303) 312-6154
Region 9	(415) 947-3558
Region 10	(913) 551-7739

*** Denotes a Division Director or Regional Acquisition Manager Office contact number**

Specific Instructions

- The project officer must provide complete responses and explanations to properly document the required analysis and supporting justification.

Part A --- This part must be completed for both Non-economy Act and Economy Act IAAs. Questions 3, 12, 13, 14, and 16 may require coordination with and input from the contracting officer for completion.

- The maximum potential value (MPV) and length of the interagency agreement cannot exceed any statutory, regulatory, or policy based limitations or the Office of Grants and Debarment may require a new justification to be processed and approved.
- In an effort to ensure that small businesses are afforded the maximum practicable opportunity to receive EPA contracting dollars, project officers must consider and explain the extent of small businesses contracting opportunities under the IAA.
- A review of existing EPA contracts and acquisition resources is required to document that a determination was made to ensure that there are no existing EPA contractual vehicles that currently meet the program requirements.
- If the interagency agreement was not in the acquisition forecast submission and is over $2 million, a contract bundling review is required. The contract bundling policy is listed in Contracts Management Manual, Section 7.2, located on the intranet at. http://oamintra.epa.gov/files/OAM/cmm_0_0.pdf

- Any work through a Federally Funded Research and Development Center (FFRDC) must not otherwise be available from the private sector. A master list of FFRDCs is available on the internet at: [HYPERLINK "http://www.nsf.gov/statistics/nsf06316/"].

Part B --- This part is only required if the IAA is under the Economy Act. All IAAs w/contractor support issued under the Economy Act require a contracting officer's approval.
Part C --- This part must be completed for all IAAs subject to a class determination.
Part D --- This part must be completed for all IAAs.

Justification for Interagency Assisted Acquisition (IAA)		
[ ] Non-Economy Act Assisted Acquisition - **Identify statutory authority** _____ *Complete Parts A & D*	**[X] Economy Act Assisted Acquisition** *Complete Parts A, B & D*	**[ ] Assisted Acquisition Subject to Class Determination** *Complete Parts C & D*

TO BE COMPLETED BY ALL

Requesting EPA Program Office	Servicing Department or Agency
(a) Office of Research and Development, NRMRL/GWERD (b) Point of Contact: Dr. Rick Wilkin, Project Officer (PO) (c) Telephone No. 580-436-8874	(a) Name: Department of Energy (DOE) (b) Contract No. DE-AC05-060R23100 (c) Contract Award Date: January 1, 2011 (d) Contract Expiration Date: December 31, 2015

Part A. Best Procurement Approach Determination for Assisted Acquisition

1. Briefly describe the supplies or services you are buying. Demonstrate that the use of an interagency assisted acquisition is the best procurement approach. Explain why acquisition assistance from the servicing agency is necessary (e.g., EPA expertise or acquisition resources are not readily available etc...)([HYPERLINK "https://www.acquisition.gov/far/current/html/Subpart%2017_5.html" \l "wp1076801"]).

This InterAgency Agreement (IA) is being established to support EPA's groundwater research program. The work conducted under the agreement will help support efforts underway in the EPA, Region 8, Underground Injection Control (UIC) Program, which is currently preparing a draft aquifer exemption decision that, if approved, would allow lixiviant injected through Class III injection wells to mobilize uranium within ore-bearing aquifers. At active ISR wellfields, after the ISR process is complete, the NRC (or Agreement State) license and State mining permit conditions require the groundwater in the wellfield to be restored to pre-mining conditions. Often, Alternative Concentration Limits must be established when pre-mining conditions cannot be regained for some constituents. The link between aquifer restoration and the UIC Program is that after aquifer restoration is complete and the natural groundwater gradient is re-established, it is a violation of UIC regulations if contaminants cross the aquifer exemption boundary. The Region 8 UIC Program is seeking continued support from the EPA Office of Research and Development and the Los Alamos National Laboratory (LANL) in establishing sound, science-based, criteria and strategies to support aquifer exemption evaluation and decision-making associated with UIC Class III permitting. Such support will help ensure long-term protection of groundwater resources outside the aquifer exemption boundary. This 2014 project builds upon a 2010 Regional Applied Research Effort (RARE) project which consisted of sampling and analyses of pre-ISR groundwater and host rock constituents as input to a reactive transport model of the ISR process through and after groundwater restoration. This FY14 RARE will involve a field test to evaluate the effects of downgradient geochemistry on wellfield groundwater after the completion of the ISR process, but before groundwater restoration. This evaluation of a worst-case groundwater contamination scenario will provide insight as to the level of contaminant removal through natural attenuation that can be expected downgradient from the ISR wellfield. The field data will be used at input to a reactive transport model to be developed by the DOE Legacy Management Office in Grand Junction, Colorado (who is cooperative in this research project but not receiving any RARE funding.) This integrated methodology will be evaluated for its effectiveness as a tool for determining maximum concentrations of contaminants (post-restoration) that can be

Commented [vrs1]: added

mitigated by the host rock geochemistry to prevent any future non-compliance at the aquifer exemption boundary. This work is also pertinent to the revision of the 40 CFR Part 192 regulations which apply to uranium ISR site restoration, and which must be adopted by the Nuclear Regulatory Commission, their Agreement States, and the Department of Energy. An important aspect in proposing new standards is evaluating potential impacts to groundwater. The work proposed under this project has recently been identified by the EPA Headquarters Office of Groundwater and Drinking Water (OGWDW) as being a key research need as part of a national effort to re-examine how EPA evaluates aquifer exemption proposals.

The Los Alamos National Laboratory's mission is to develop and apply science and technology to ensure the safety, security, and reliability of the U.S. nuclear deterrent; reduce global threats; and solve other emerging national security and energy challenges. During the 25-year Yucca Mountain project Los Alamos scientists characterized the mountain's subsurface geology, mineralogy, hydrology, and geochemistry to evaluate the natural geologic system's ability to impede the movement of radionuclides should they ever be released from the engineered repository.

More recently, LANL research has included field-scale testing to generate data to develop and validate models of radionuclide transport and testing the validity of using laboratory-derived sorption data to predict field-scale reactive transport behavior. This work includes batch sorption and desorption experiments conducted in parallel with column experiments to assess the ability to predict reactive transport under flowing conditions from batch measurements. Recent focus has been on groundwater transport studies at Cameco's Smith-Ranch Highlands uranium In-Situ Recovery facility in Wyoming. The agreement LANL researchers have with Cameco to conduct field injection tests at the Cameco's Smith-Ranch Highlands ISR site offers the combination of expertise and an approved setting for the injection of ISR-impacted groundwater that is not available anywhere else.

2. Did the servicing agency confirm that the requirement falls within the scope of the proposed servicing agency's acquisition vehicle? [X] Yes [ ] No If not, explain:

3. [X] Statement of Work (SOW) Attached [ ] Performance Work Statement (PWS) Attached	4. Maximum Potential Value (MPV) of the Interagency Agreement $121,283	5. Years/Duration of Acquisition 1 Years

Commented [vrs2]: I think the plan is to have the duration be greater than 1 year so we can add FY14 money to it and have an additional sampling and analysis event.

6. Was the requirement included in the acquisition forecast submission of the requesting program office?
[ ] Yes [X] No If not, explain: The amount of RARE funding being applied to this IA is under the dollar threshold for making an entry in the last acquisition forecast.

7. Describe how small businesses will be afforded opportunities under the assisted acquisition. The Los Alamos National Laboratory is a Federally Funded Research and Development Center (FFRDC) for the DOE. There are most likely no direct opportunities for small businesses.

8. Contract Bundling

(a) Will the assisted acquisition consolidate two or more requirements?	[ ] Yes	[X] No
(b) Did one or more small business perform any portion of the consolidated requirements?	[ ] Yes	[X] No
(c) Is the consolidated requirement likely to be unsuitable for award to a small business?	[ ] Yes	[X] No

9. If the interagency agreement is with a Federally Funded Research and Development Center (FFRDC), explain the basis of your determination that the supplies or services are not otherwise available from a private source.

The Los Alamos National Laboratory's mission is to develop and apply science and technology to ensure the safety, security, and reliability of the U.S. nuclear deterrent; reduce global threats; and solve other emerging national security and energy challenges. During the 25-year Yucca Mountain project Los Alamos scientists characterized the mountain's subsurface geology, mineralogy, hydrology, and geochemistry to evaluate the natural geologic system's ability to impede the movement of radionuclides should they ever be released from the engineered repository.

More recently, LANL research has included field-scale testing to generate data to develop and validate models of radionuclide transport and testing the validity of using laboratory-derived sorption data to predict field-scale reactive transport behavior. This work includes batch sorption and desorption experiments conducted in parallel with column experiments to assess the ability to predict reactive transport under flowing conditions from batch measurements. Recent

focus has been on groundwater transport studies at Cameco's Smith-Ranch Highlands uranium In-Situ Recovery facility in Wyoming. The agreement LANL researchers have with Cameco to conduct field injection tests at the Cameco's Smith-Ranch Highlands ISR site offers the combination of expertise and an approved setting for the injection of ISR-impacted groundwater that is not available anywhere else.

10. Describe the authority, experience, and expertise of the servicing agency to provide the necessary acquisition assistance to satisfy the agency's schedule, performance and delivery requirements via this procurement approach ([HYPERLINK "https://www.acquisition.gov/far/current/html/Subpart%2017_5.html" \l "wp1076801"]).

The DOE cites its authority as the Economy Act of 1932, as amended (31 USC § 1535) and it adheres to FAR 6.002. DOE has managed the FFRDC many years, and its longevity and level of success point to DOE's strong experience and expertise to service and support other departments and agencies participating in the program. As stated in #9 above, the Los Alamos National Lab offers the combination of expertise and an approved setting for the injection of ISR-impacted groundwater that is not available anywhere else.

11. Does the servicing agency have the ability to comply with EPA's statutes, regulations, policies and use of funds in accordance with appropriation limitations ([HYPERLINK "https://www.acquisition.gov/far/current/html/Subpart%2017_5.html" \l "wp1076801"])? [X] Yes [ ] No
If not, explain:

12. Explain the basis of the satisfaction with the servicing agency's customer service performance (e.g., results achieved or responsiveness) ([HYPERLINK "https://www.acquisition.gov/far/current/html/Subpart%2017_5.html" \l "wp1076801"]).

EPA has worked with the DOE FFRDC Laboratories for over 20 years and has had excellent service from DOE and the various Labs managed by the DOE. DOE is timely with invoicing and has always made sure that their FFRDCs deliver timely and high-quality customer service to EPA/ORD.

13. Identify the amount of the servicing fees.

There are no servicing fees but DOE is charging an overhead of 93%. While high, this agreement is the only way to access the LANL and their critical services.

14. Explain the basis for the determination of cost effectiveness and the fair and reasonableness of servicing fees that fall within the actual or estimated cost ([HYPERLINK "https://www.acquisition.gov/far/current/html/Subpart%2017_5.html" \l "wp1076801"]).

The basic charges (Personnel, Fringe, Travel and Supplies) were found to be reasonable based on historical information and the expertise of the Project Officer. DOE is charging an overhead of 93%. While high, this agreement is the only way to access the LANL and their critical services and is considered an acceptable cost of doing business.

Part B. Determinations and Findings for Economy Act Assisted Acquisition

1. The use of the Interagency Agreement is in the Best Interest of the Government in Terms of (check all that apply):

[X] Satisfying customer requirements
[X] Cost effectiveness
[X] Satisfying delivery schedule
[X] Unavailability of suitable contracts within the EPA
[X] Other (explain):

The Los Alamos National Laboratory's mission is to develop and apply science and technology to ensure the safety, security, and reliability of the U.S. nuclear deterrent; reduce global threats; and solve other emerging national security and energy challenges. During the 25-year Yucca Mountain project Los Alamos scientists characterized the mountain's subsurface geology, mineralogy, hydrology, and geochemistry to evaluate the natural geologic system's ability to impede the movement of radionuclides should they ever be released from the engineered repository.

More recently, LANL research has included field-scale testing to generate data to develop and validate models of radionuclide transport and testing the validity of using laboratory-derived sorption data to predict field-scale reactive transport behavior. This work includes batch sorption and desorption experiments conducted in parallel with column experiments to assess the ability to predict reactive transport under flowing conditions from batch measurements. Recent focus has been on groundwater transport studies at Cameco's Smith-Ranch Highlands uranium In-Situ Recovery facility in Wyoming. The agreement LANL researchers have with Cameco to conduct field injection tests at the Cameco's Smith-Ranch Highlands ISR site offers the combination of expertise and an approved setting for the injection of ISR-impacted groundwater that is not available anywhere else.

2. The supplies or services cannot be obtained as conveniently or economically by contracting directly with a private source because (check all that apply and provide supporting documentation):

[ ] The estimated costs to the EPA for administering a direct EPA contract, including the use of a project officer's time, is greater than the estimated costs of the assisted acquisition even with the fees applied.

[ ] The estimated cost of a direct EPA contract is greater than the estimated costs of the assisted acquisition even with the fees applied.

[ ] The cost of the proposed work will be performed through a FFRDC which will result in cost savings to the EPA as the work will be performed at a government facility.

[X] Other (explain): Access to the LANL is critical to the ORD Mission. This IA with the DOE is the only way to access the LANL.

3. Check the box that applies.

[ ] The acquisition will be appropriately made under an existing contract of the servicing agency, entered into before placement of the order, to meet the requirements of the servicing agency for the same or similar supplies or services.

[X] The servicing agency has capabilities or expertise to enter into a contract for such supplies or services which is not available within the requesting agency.

[ ] The servicing agency is specifically authorized by law or regulation to purchase such supplies or services on behalf of other agencies.

Part C. Assisted Acquisition Subject to a Class Best Procurement Approach Determination

1. What Class Determination Applies to this Assisted Acquisition	2. Explain How this Acquisition is Within the Scope of the Class Determination

Part D. Approvals

1. Project Officer Certification. This documentation is accurate and complete to the best of my knowledge, information and belief.

_____ _____
Signature Date

2. Senior Resource Official Concurrence

_____ _____
Signature Date

3. Contracting Officer [ ] Concur [ ] Non-concur

_____ _____
Signature Date

(04/03/13)